

## AN ACT

ENTITLED, An Act to revise certain provisions relating to the procurement, collection, filing, and analysis of biological specimens from persons convicted of crimes of violence.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 23-5-14 be amended to read as follows:

23-5-14. The attorney general shall procure and file for record genetic marker grouping analysis information from any person convicted of a sex crime pursuant to chapter 22-22 or a crime of violence as defined in § 22-1-2. The attorney general also shall cooperate with and assist corrections officers, sheriffs, chiefs of police, and other law enforcement officers to the end that a complete state system of genetic marker grouping analysis information may be established. The Department of Corrections, immediately upon attaining custody of any person for a conviction of a crime of violence as defined in § 22-1-2 or a conviction of a sex crime pursuant to chapter 22-22, shall arrange for collection of biological specimens for genetic marker grouping analysis according to the system established by the Division of Criminal Investigation and shall forward any such specimen to the division for classification and filing. If the court does not sentence a person convicted of a sex crime pursuant to chapter 22-22 or a person convicted of a crime of violence as defined in § 22-1-2 to the Department of Corrections, the court shall order the convicted person to immediately report to a law enforcement agency for the collection of a biological specimen for genetic grouping analysis.

Section 2. That § 23-5-16 be amended to read as follows:

23-5-16. The Division of Criminal Investigation shall provide equipment and instructions as necessary for collection of biological specimens pursuant to this chapter. Such collection of specimens shall be performed in a medically approved manner. Only a physician, laboratory technician, registered nurse, physician's assistant, phlebotomist, expanded role licensed practical nurse, certified nurse practitioner, medical technician, or medical technologist may withdraw blood for the purpose of genetic marker grouping analysis. Other persons, such as corrections officers or law enforcement

officers, after being trained, may withdraw an alternative biological specimen in accordance with a procedure provided by the Division of Criminal Investigation. The Office of the Attorney General shall promulgate rules, pursuant to chapter 1-26, to identify the types of biological specimens which, based on evidentiary value, may be procured and the procedures by which the biological specimens may be procured. Any such authorized person, acting on the presumption of consent, or any hospital employing such person, is not liable and may not be held to pay damages to the party from whom the biological sample is withdrawn, if the withdrawal is administered with usual and ordinary care. Any such specimen shall be forwarded to the Division of Criminal Investigation for analysis and categorization into genetic marker groupings. Such genetic marker groupings shall be maintained by the Division of Criminal Investigation. The division may contract with private entities for such specimen analysis and categorization.

An Act to revise certain provisions relating to the procurement, collection, filing, and analysis of biological specimens from persons convicted of crimes of violence.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1064

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1064  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State